

AE COMMENTS (REVISED)



BOARD OF ADJUSTMENT
January 8, 2018
5:30PM
CITY COUNCIL CHAMBERS
301 WEST 2ND STREET
AUSTIN, TEXAS

___ Brooke Bailey	___ Rahm McDaniel
___ William Burkhardt (Chair)	___ Veronica Rivera
___ Christopher Covo	___ James Valadez
___ Eric Goff	___ Michael Von Ohlen
___ Melissa Hawthorne (Vice Chair)	___ Kelly Blume (Alternate)
___ Bryan King	___ Martha Gonzalez (Alternate)
___ Don Leighton-Burwell	___ Pim Mayo (Alternate)

AGENDA

EXECUTIVE SESSION (No public discussion)

The Board of Adjustment will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Board of Adjustment may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

A. APPROVAL OF MINUTES

A-1 December 11, 2017 Draft Minutes

B. SIGNS NEW PUBLIC HEARINGS

NONE

C. SIGNS PREVIOUS POSTPONEMENTS

C-1 C16-2017-0011 W. Roberts for G. Collins
2500 Walsh Tarlton Lane

**DENIED BY AUSTIN ENERGY - THE PROPOSED SIGN IS IN CONFLICT
WITH EXISTING AE FACILITIES AND THE DEDICATED P.U.E. –**

AE COMMENTS (REVISED)

IN ORDER TO RESOLVE THE CONFLICT WITH AE CLEARANCES - -- PLEASE CONTACT THE OFFICE OF REAL ESTATE, CITY OF AUSTIN TO REQUEST FULL RELEASE OR PARTIAL RELEASE OF THE PORTION OF THE STRUCTURE THAT ENCUMBERS THE P.U.E.

The applicant has requested a variance(s) to:

A. Article 6 – Regulations Applicable to Certain District, 25-10-124 (Scenic Roadway Sign District Regulations) (G) to increase the distance a sign support must be installed from the street right-of-way from 12 feet, or at least 25 feet from street pavement or cube located within the right-of-way, whichever is the lesser distance (required/permited) to 4 feet 9 inches from street right-of-way (requested); and to

B. Article 9 – Setback and Structural Requirements, 25-10-191 (F) (1) to increase the maximum sign height for a sign within 12 feet of right-of-way from 30 inches (required) to 52 inches (requested)

in order to construct a new monument sign in an “GR-MU”, Community Commercial – Mixed Use zoning district, Commercial Sign District.

D. SIGNS RECONSIDERATIONS

NONE

E. SIGNS RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

F. INTERPRETATIONS NEW PUBLIC HEARINGS

NONE

G. SPECIAL EXCEPTIONS NEW PUBLIC HEARINGS

NONE

H. VARIANCES NEW PUBLIC HEARINGS

H-1 C15-2017-0065

**Chris Paladino
4013 Clawson Road**

DENIED BY AUSTIN ENERGY (AE) THE PROPOSED DESIGN WILL NEED TO BE REVIEWED BY AE DESIGN, PRIOR TO BOA APPROVAL. APPLICANT MUST CONTACT AE LEAD DESIGNER DARREN VICKNAIR TO DISCUSS HOW PERMANENT ELECTRIC SERVICE WILL BE BROUGHT IN TO THE PROPOSED SITE AND ELECTRIC SERVICE DESIGN. CLEARANCE FROM OTHER UTILITES WILL NEED TO BE VERIFIED AND CONFIRMED. (512-505-7636 - DARREN.VICKNAIR@AUSTINENERGY.COM)

AE COMMENTS (REVISED)

The applicant has requested variance(s) to Section 25-2 492 (D) (*Site Development Regulations*) to decrease the minimum lot width from 50 feet (required/permitted) to 35 feet (requested) in order to subdivide the current lot into 2 lots and build 2 new single family homes and 2 new second dwelling units on each lot in a “SF-3”, Family Residence zoning district.

H-2 C15-2017-0068

Jessica Braun for Garden Villas Roots, LP
1116 East 3rd Street

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.

The applicant has requested variance(s) to:

A. Section 25-2-774 (A) (*Two-Family Residential Use*) to decrease the minimum lot area from that equivalent to a standard lot, or in this case 5,750 square feet (required) to 3,450 square feet (requested); and to

B. Section 25-2-774 (C) (5) (*Two-Family Residential Use*) to increase floor-to-area ratio of .15 to 1 (required) to .20 to 1 (requested); and to

C. Section 25-2-1406 (5) (d) (*Ordinance Requirements*) to allow a lot that is aggregated with other property to form a site to be disaggregated

in order to allow a new single family home and additional dwelling unit (ADU) on each lot in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (East Cesar Chavez)

H-3 C15-2018-0001

Tricia and David Ciccocioppo
1608 Cedar Avenue

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. IF OUR SERVICE DROP IS RECOMMENDED TO BE RELOCATED, WHEN YOU OBTAIN A BUILDING PERMIT, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, AT 512-505-7604, AS SHE WILL PROVIDE YOU WITH DIRECTION FOR THE RELOCATION OF SERVICE DROP.

AE COMMENTS (REVISED)

The applicant has requested variance(s) from Section 25-2-492 (D) (*Site Development Regulations*) to increase the maximum impervious cover from 45% (required/permitted) to 49% (requested) in order to erect a new two-story accessory dwelling unit in a SF-3-NP, Family Residence zoning district. (Chestnut)

**H-4 C15-2018-0002 Kristin Kaiser for Deborah Main
5409 Duval Street**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. IF OUR SERVICE DROP IS RECOMMENDED TO BE RELOCATED, WHEN YOU OBTAIN A BUILDING PERMIT, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, AT 512-505-7604, AS SHE WILL PROVIDE YOU WITH DIRECTION FOR THE RELOCATION OF SERVICE DROP.

The applicant has requested variance(s) to:

A. Section 25-2-476 (*Special Exception*) from Section 25-2-492 (D) (*Site Development Regulations*) to decrease east side yard setback from 5 feet (required) to 4.9 feet (requested, existing); and to

B. Section 25-2-476 (*Special Exception*) from Section 25-2-492 (D) (*Site Development Regulations*) decrease the west side yard setback from 5 feet (required) to 4.9 feet (requested, existing)

C. Section 25-2-492 (D) (*Site Development Regulations*) to decrease the east side yard setback from 5 feet (required) to 4.7 feet (requested)

in order to maintain a recently constructed carport along the east property line and an existing home on the east and west property lines in a “SF-3”, Family Residence zoning district.

**H-5 C15-2018-0003 Adelaida J. Rodriguez
2111 East 9th Street**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.

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The applicant has requested variance(s) to:

A. Section 25-2-492 (D) (Site Development Regulations) to decrease the minimum lot width from 50 feet (required) to 45 feet (requested, existing); and to

B. Section 25-2-774 (B) (Two-Family Residential Use) to decrease the minimum lot area from 5,750 square feet (required) to 5,644.35 square feet (requested, existing); and to

in order to erect a new single family residence and a second dwelling unit (ADU) in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (Central East Austin)

**H-6 C15-2018-0004 Nikelle Meade for Eveann Investment LP
4303 Victory Drive, 2106, 2108 and 2110 W. Ben White
Blvd., 2111 Fort View Drive**

DENIED BY AUSTIN ENERGY (AE), PROPOSED DESIGN CONFLICTS WITH AE FACILITIES. APPLICANT/OWNER IS REQUIRED TO MEET AE CLEARANCE CRITERIA REQUIREMENTS FOR DISTANCES FROM AE FACILITIES. ALL IMPROVEMENTS AND COSTS ASSOCIATED WITH THE RELOCATION OR REMOVAL OF AE FACILITIES IS THE RESPONSIBILITY OF THE PROPERTY OWNER. OWNER/APPLICANT MUST OBTAIN WRITTEN APPROVAL OF CONFLICT RESOLUTION FROM EBEN KELLOGG, 512-322-6050, AUSTIN ENERGY - PUBLIC INVOLVEMENT/REAL ESTATE, SERVICES, AND PRIOR TO A BOA APPROVAL.

The applicant has requested variance(s) from Article 10, Compatibility Standards:

A. Section 1063 (B) (Height Limitations and Setbacks for Large Sites) to decrease the required setback from a property in an urban family residence (SF-5) or more restrictive zoning district or on which a use permitted in SF-5 or more restrictive zoning district is located from 25 feet (required) to 0 feet (requested); and to

B. Section 1063 (C) (1) (Height Limitations and Setbacks for Large Sites) to increase the required height limitation for a structure that is 50 feet or less from property in a SF-5 or more restrictive zoning district or permitted use from two stories and 30 feet (required) to three stories and 40 feet (requested); and to

C. Section 25-2-1067 (G) (Design Regulations) to permit a parking area or driveway 25 feet or less from a lot that is in an SF-5 or more restrictive district or on which a use permitted in an SF-5 or more restrictive district is located

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in order to erect a three-story office building, screening wall and detached three-story parking structure on five tracts in a “GR”, Community Commercial zoning district, a “LO-CO”, Limited Office - Conditional Overlay zoning district, and a “NO-MU-CO”, Neighborhood Office – Mixed Use – Conditional Overlay zoning district.

I. INTERPRETATIONS PREVIOUS POSTPONEMENTS

**I-1 C15-2015-0147 Robert Kleeman
8901 West Highway 71**

AUSTIN ENERGY HAS NO COMMENT

REQUESTING POSTPONEMENT TO MARCH 12, 2018

The appellant has filed an appeal challenging a Land Use Determination and related development approvals made in connection with the approval of an outdoor amphitheater located at LifeAustin Church, 8901 West State Highway 71, including decisions to classify the use as “religious assembly” and to subsequently approve Site Plan No. SP-2011-0185C, an associated restrictive covenant, and a building permit. The appellant disagrees that, among other things, the Land Use Determination and related development approvals incorrectly treat various outdoor activities held at educational and religious assembly facilities as part of the principal use rather than as temporary activities subject to City Code Section 25-2-921(C) in an “RR-NP”, Rural Residential – Neighborhood Plan zoning district. (West Oak Hill)

**I-2 C15-2015-0168 Robert Kleeman
8901 West Highway 71**

AUSTIN ENERGY HAS NO COMMENT

REQUESTING POSTPONEMENT TO MARCH 12, 2018

The appellant has requested that the Board of Adjustment interpret whether staff erred in making an administrative decision to approve site plan correction number 12 to the current site plan of this property (SP-2011-185C (R1)), thereby authorizing construction of a disc golf course and outdoor dog park at this church facility in a “RR-NP”, Rural Residential – Neighborhood Plan zoning district. (West Oak Hill)

J. INTERPRETATIONS RECONSIDERATIONS

NONE

K. INTERPRETATIONS RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

L. SPECIAL EXCEPTIONS PREVIOUS POSTPONEMENTS

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NONE

M. SPECIAL EXCEPTIONS RECONSIDERTIONS

NONE

N. SPECIAL EXCEPTIONS RECONSIDERATION PREVIOUS POSTPONEMENTS

NONE

O. VARIANCES PREVIOUS POSTPONEMENTS

**O-1 C15-2017-0048 David Cancialosi for Valla Djafari
2009 Lakeshore Drive**

AUSTIN ENERGY DOES NOT OPPOSE YOUR APPLICATION FOR THE REQUESTED VARIANCES, PROVIDED THAT ALL PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AUSTIN ENERGY CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY RELOCATION OF ELECTRIC FACILITIES SHALL BE AT LANDOWNER'S/DEVELOPER'S EXPENSE.

THE FINAL GRADE OF THE ROAD (DRIVEWAY) MUST MEET THE REQUIRED CLEARANCES FOR AE FACILITIES AND THOSE OF OUR FRANCHISED ATTACHMENTS. THE OWNER/DEVELOPER IS RESPONSIBLE FOR ANY COSTS OF RAISING LINES AND ATTACHMENTS.CONDITIONAL TO THIS APPROVAL, AN ELEVATION PROFILE OF THE PROPOSED STEEL DECKED DRIVEWAY IS REQUESTED FOR REVIEW BY OUR OFFICE. IF THE OWNER/ DEVELOPER IS PROPOSING GATED FENCE AT THE ENTRANCE THAT IS UNDER OUR FACILITIES, A LICENSE AGREEMENT WITH AUSTIN ENERGY WILL BE REQUIRED.

ANY RELOCATION OF ELECTRIC FACILITIES SHALL BE AT LANDOWNER'S/DEVELOPER'S EXPENSE. IF OUR SERVICE DROP IS RECOMMENDED TO BE RELOCATED, WHEN YOU OBTAIN A BUILDING PERMIT, PLEASE SPEAK WITH OUR DISTRIBUTION CONSTRUCTION LEADER, JOAN WILHITE, AT 512-505-7604, AS SHE WILL PROVIDE DIRECTION FOR THE RELOCATION OF THE NEW SERVICE DROP.

The applicant has requested variance(s) to:

- A. Section 25-2-492 (Site Development Regulations) (D) to reduce the minimum rear setback from 20 feet (required) to 10 feet (requested, 0 feet existing); and to
- B. Section 25-2-492 (Site Development Regulations) (D) to reduce the street side setback from 25 feet (required) to 5 feet (requested, 0 feet existing); and to

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- C. Section 25-2-551 (Lake Austin District Regulations) (C) (3) (a) increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35 percent (required) to 66 percent (requested, 74 percent existing); and to
- D. Section 25-2-551 (Lake Austin District Regulations) (C) (3) (b) increase the maximum impervious cover on a slope with a gradient of more than 15 percent but not more than 25 percent from 10 percent (required) to 88 percent (requested, 0 percent existing); and to
- E. Section 25-2-551 (Lake Austin District Regulations) (C) (3) (c) increase the maximum impervious cover on a slope with a gradient of more than 25 percent and not more than 35 percent from 5 percent (required) to 9 percent (requested, 0 percent existing); and to
- F. Section 25-2-551 (Lake Austin District Regulations) (E) (2) to permit development on a slope with a gradient of more than 35 percent which is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs from 0 percent (required) to 31 percent (requested, 0 percent existing)

in order to erect a new 2 story residence, pool, deck, guest house, patio and detached garage in a "LA", Lake Austin zoning district.

**O-2 C15-2017-0054 Rick Rasberry for Dustin Donnell
1615 Westlake Drive**

AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.

The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A):

- A. (2) to increase the distance a dock may extend from no more than 20 percent of a channel width as measured by a line that is perpendicular to the centerline of the channel and that extends from the shoreline where the dock is located to the opposite shoreline, or in this case 21.7 feet (required, permitted) to 30 feet (requested); and
- B. (4) (a) to increase the width of a dock measured parallel to the shoreline of the lot or tract where the dock is proposed, and including all access and appurtenances, from 25.7 feet (required, permitted) to 30 feet (requested)

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in order to construct a new boat dock within the “LA” Lake Austin Residence zoning district.

**O-3 C15-2017-0067 Jeff Mosley and Hector Avila for Sheila Stallings
702 Zennia Street**

DENIED BY AUSTIN ENERGY (AE), CURRENT CONDITIONS CONFLICT WITH AE FACILITIES. APPLICANT/OWNER IS REQUIRED TO MEET AE CLEARANCE CRITERIA REQUIREMENTS FOR DISTANCES FROM AE FACILITIES. ALL IMPROVEMENTS AND COSTS ASSOCIATED WITH THE RELOCATION OR REMOVAL OF AE FACILITIES IS THE RESPONSIBILITY OF THE PROPERTY OWNER. OWNER/APPLICANT MUST OBTAIN WRITTEN APPROVAL OF CONFLICT RESOLUTION FROM EBEN KELLOGG, 512-322-6050, AUSTIN ENERGY - PUBLIC INVOLVEMENT/REAL ESTATE, SERVICES, AND PRIOR TO A BOA APPROVAL.

The applicant has requested variance(s) to Section 25-2 492 (D) (Site Development Regulations) to decrease:

- A. the minimum lot width from 50 feet (required) to 34 feet (requested, existing); and to
- B. the minimum lot size from 5,750 (required) to 2,584 (requested, existing)

in order to add a 2nd story accessory residential use to the current 1 story commercial use in a “CS-CO-NP”, General Commercial Services - Conditional Overlay - Neighborhood Plan zoning district. (North Loop)

**P. VARIANCES RECONSIDERATIONS
NONE**

**Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS
NONE**

R. NEW BUSINESS

R-1 Discussion and possible action of AE review process added to the BOA Rules of Procedures

R-2 Update and possible action for CodeNEXT working group

S. ADJOURNMENT

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon

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request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days before the meeting date. Please call Leane Heldenfels at Planning & Development Review Department, at 512-974-2202 or Diana Ramirez at Planning & Development Review Department at 512-974-2241, for additional information; TTY users route through Relay Texas at 711.